

REMARKS/ARGUMENTS

This amendment responds to the June 26, 2003, Office Action. Claims 1 through 10 are pending in the application. Claim 3 is amended by this response.

The applicant's invention relates to a disposable cat litter box, which may be filled with sand so that the cat can relieve itself there. A disadvantage with conventional cat litter boxes which are made of plastic or similar materials, is that once the cat has used the box for some time, the sand must be replaced and the box cleaned. This involves some problems, especially in urban areas, for example, when the user has to clean the box in his/her bathroom or in his/her kitchen, for example, in the same sink that is used for cleaning up dishes. Cleaning a cat litter box in such a place is obviously not recommendable, from a hygienic point of view, as infections/diseases/germs/parasites can be passed on from the cat to human beings in this way. (See the Specification on page 1 at lines 10 through 20).

In order to avoid this problem and also in order to relieve the user of the task of cleaning cat litter boxes, especially plastic cat litter boxes, the disposable cat litter box of the invention was conceived. The applicant's invention achieves the following advantages over conventional cat litter boxes:

a) Low cost: materials are inexpensive and the manufacturing process is simple. The applicant's invention is made from a base 1 and sheets 8+9 (which, after having their peripheries connected by heat-welding, constitute a "bag" housing the base in a "floating" manner). When the side walls of the base are folded, "flaps" of the "bag" housing the base are defined and adhesive strips or seals 15 may be provided for adhering the "flaps" to the exterior of the walls. No aluminum components, glues, etc. are needed.

b) Ecological: in order to be accepted by "environmental-friendly" users, the box should be ecological, for example, be easy to recycle. The box according to the invention as claimed complies with this requisite, as only a base 1 and a "bag" (sheets 8+9) are used. Since the sheets are heat-welded together (and also are not adhered to the base), the bag can, after use, easily be separated from the base so that their respective materials can be recycled separately, if desired.

c) Hygienic: the box should be waterproof, avoiding leakage of urine, etc. Cats are active animals, and tend to destroy the surfaces which they contact with their claws. Here, due to the

“double” bag-like structure of the heat-welded sheets, even if the cat destroys the “inner” sheet, any liquid that passes through the sand may be absorbed by the base. Should any liquid penetrate the base, it would be prevented from polluting due to the “outer” sheet.

d) Easy to empty: it is desired that the box be easy to empty, should the user not wish to dispose of the box after use. This is achieved with the invention as claimed. As the plastic sheets are flexible and, also, “floating” with regard to the base, it is easy to remove any sand and waste by bending the box to let the sand fall down into a waste receptacle.

e) Reduced storage area: it is desired that boxes (new ones, as well as used boxes stored for recycling and/or dumped into trash bins) occupy little space when not in use. Both extended in a flat position, and folded, the box according to the invention occupies a very reduced space. When the box is to be used, the base is simply folded so as to form a container with walls, and the flexible sheets may then be adhered so as to keep this box-like configuration. When the box is to be discarded, it can be returned to its original planar or folded shape.

f) It is extremely easy to bring the box into its “ready-to-use” position: simply, starting from the flat configuration, the walls are folded so that a box-like structure with walls and bottom is obtained, and then the closure flaps (corresponding to the corners) are folded along the walls and secured by appropriate means.

1. Rejection of Claims 1, 3 through 6, 8, and 9 under 35 U.S.C. § 103(a)

The Examiner maintains the rejection of claims 1, 3 through 6, 8, and 9 under 35 U.S.C. § 103(a), stating that the claims are unpatentable over U.S. Patent 4,056,221 to Piltz et al. in view of U.S. Patent 6,234,944 to Anderson et al. The applicant traverses the rejection and requests reconsideration.

The Piltz et al. patent discloses plastic sheets (11, 12, 11', 12') and aluminium sheets (13, 13') that are bound together by binder layers (14, 15, 14', 15') which do not appear to be simple heat welded connection lines. (See the Piltz et al. patent in column 2 at lines 32 through 36.) The Piltz et al. patent discloses that the binder layers partially serve the purpose of binding the plastic sheets to the cardboard base and to the sheet of aluminium. In the preferred embodiments disclosed in the Piltz et al. patent, at least one plastic sheet is adhered to the cardboard base. This fact is also reflected in independent claims 1 and 10 of the Piltz et al. patent.

The Examiner states that “from figure 5 and col. 2, lines 43-50 of Piltz et al., it is clearly taught that the sheets 11, 12 enclose the base 10 but not adhere to the base. Figure 5 shows a close fitting relationship between the sheets 11, 12 and the base, and col. 2, lines 43-50 states that the base 10 and the sheets 11, 12 are free in relation to each other and the base 10 lies loosely against the sheets 11, 12.” (See the June 26, 2003, Office Action on page 7 at lines 11 through 15.) The applicant disagrees with this interpretation of the Piltz et al. patent. The Examiner appears to suggest that Piltz et al. patent discloses that plastic sheets 11 and 12 are simultaneously free (lying loosely) with regard to the cardboard base 10. However, the Examiner's citation of the Piltz et al. patent of column 2 at lines 43 through 50 relates to two (2) different embodiments of the Piltz et al. invention:

1) In one embodiment illustrated in figure 5, the film 11 lies loosely against the cardboard element 10 but the other film 12 is attached to the cardboard element through the binder layers 14 and 15 (consisting of a two-component lacquer, or similar); and

2) In the other embodiment, illustrated in figure 6, one film may lie loosely against the cardboard element but the other film appears to be attached to the cardboard element through the binder layer 14’.

The Examiner alleges that it would have been “an obvious substitution of functional equivalent to substitute the binder method of Piltz et al. with heat-welding method of Anderson et al.” The applicant disagrees. In the Piltz et al. patent, the two plastic sheets are not connected to each other directly, but are indirectly connected through an aluminium foil 13. Also, as clearly shown in the figures, the purpose of the Piltz et al. patent is to attach the plastic films to the other components of the structure along extensive areas of the respective surfaces. Thus, there is nothing disclosed in the Piltz et al. patent that would suggest to a person skilled in the art to replace the binder layers by simple heat-welding along peripheral portions of the plastic sheets. Further, in order to join the peripheral portions of the plastic films by heat-welding, as in Piltz et al., the aluminium layer therein disclosed would have to be removed. Thus, “heat-welding” as in applicant's claims would not be an “obvious” substitution of the binder method of the Piltz et al. patent. The Examiner’s argument appears to correspond to an ex-post-facto analysis not appropriate for evaluating obviousness of the claimed invention. The Piltz et al. patent defines a

structure that does not suggest anything similar to the “bag-like” structure formed by the flexible sheets 8+9 of the box of the applicant's invention, said bag-like structure housing the base 1.

Thus, the applicant's invention, in which the sheets form a “bag” and according to which the base is not glued to the bag (heat-welding is good for bonding the sheets to each other, but not for gluing them to the base), is conceptually different from the one disclosed by the Piltz et al. patent. According to the Piltz et al. patent, at least one of the sheets is bonded to the cardboard base, by broad binder layers. With this conceptual difference, the applicant's invention provides the following unexpected results over the cited art:

i) The manufacturing process is simpler due to the above-mentioned structural difference, for example, because there is not a need for lacquer to be handled, as only the flexible sheets need to be interconnected and this can be done by simple heat-welding.

ii) The structure allows the flexible sheets to be moved with regard to the base, which makes handling of the flexible sheets easier when, for example, the box must be cleaned to remove dirt.

iii) The laminar cover can be easily removed from the base, for example, for separate recycling of the different parts after disposal.

This difference in structure may be due to the differences in intended uses of the applicant's box (sanitary container for cats) and the box described by the Piltz et al. patent (a package especially for sterile preserving, see column 1 at lines 24 through 26).

For the reasons discussed above, the Piltz et al. patent does not disclose or suggest flexible sheets which enclose the base in a close-fitting manner, but do not adhere to the base as recited in claim 1, nor disclose or suggest an impermeable laminar cover comprised of two sheets that extend over both surfaces of the base but are not adhered to the base as recited in claim 4. The flexible sheets as recited in claims 1 and 4 are not fixed to the base and are able to be displaced and moved with regard to the base. Therefore, the applicant's claims are distinguishable over the Piltz et al. patent. The combination of the Piltz et al. patent with the heat welding process as disclosed in the Anderson patent does not make obvious the flexible sheets as claimed. This rejection should be withdrawn.

2. Rejection of Claims 2 and 7 under 35 U.S.C. § 103(a)

The Examiner maintains the rejection of claims 2 and 7 under 35 U.S.C. § 103(a), stating that the claims are unpatentable over U.S. Patent 4,056,221 to Piltz et al. in view of U.S. Patent 6,234,944 to Anderson et al. and U.S. Patent 3,684,155 to Smith. The applicant traverses the rejection and requests reconsideration.

The applicant respectfully maintains the combination of the Piltz et al. patent with the Anderson patent does not disclose or suggest the flexible sheets as recited in independent claims 1 and 4 as discussed above. The disposable liner bar as disclosed in the Smith patent does not make obvious the flexible sheets that are not adhered to the base as recited in amended claims 1 and 4. Claims 2 and 7 depend directly from amended claims 1 and 4, respectively, and are patentable for the same reasons, as well as because of the combinations of features set forth in these claims with the features set forth in the claims from which they depend. This rejection should be withdrawn.

3. Rejection of Claim 10 under 35 U.S.C. § 103(a)

The Examiner maintains the rejection of claim 10 under 35 U.S.C. § 103(a), stating that the claims is unpatentable over U.S. Patent 4,056,221 to Piltz et al. in view of U.S. Patent 6,234,944 to Anderson et al. and U.S. Patent 5,575,418 to Wu et al.

The applicant respectfully maintains that the combination of the Piltz et al. patent with the Anderson patent cannot disclose or suggest the flexible sheets as recited in independent claim 4 as discussed above. The adhesive element as disclosed in the Wu et al. patent does not make obvious the flexible sheets that are not adhered to the base as recited in amended claim 4. Claim 10 depends directly from amended claim 4 and is patentable for the same reasons, as well as because of the combinations of features set forth in the claim with the features set forth in the claims from which it depends. This rejection should be withdrawn.

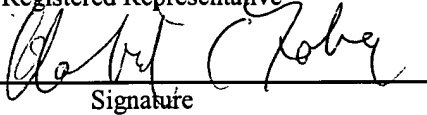
4. Conclusion

The application is believed to be in condition for allowance. Favorable consideration is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 26, 2003:

Robert C. Faber

Name of applicant, assignee or
Registered Representative

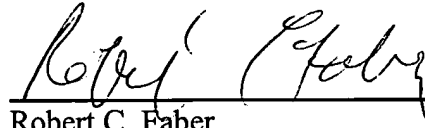

Signature

November 26, 2003

Date of Signature

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Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700